

EXHIBIT

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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**DEBORAH RASBY and DOUGLAS
RASBY, husband and wife,**

Plaintiff,

v.

JAMES D. PILLEN, an individual,

Defendant.

Civil Action No. 8:15-cv-226

**AFFIDAVIT OF TIMOTHY R.
ENGLER IN OPPOSITION OF
PLAINTIFF'S MOTION TO COMPEL**

STATE OF NEBRASKA

COUNTY OF LANCASTER

)
)ss.
)

I, Timothy R. Engler, being first duly sworn under oath, state and affirm as follows:

1. My name is Timothy R. Engler and I am an attorney in the law firm of Rembolt Ludtke LLP, 3 Landmark Centre, 1128 Lincoln Mall, Suite 300, Lincoln, NE 68508.

2. I am over the age of 18 and have personal knowledge of the facts contained in this affidavit.

3. Rembolt Ludtke represents Defendant, James D. Pillen, in the above-captioned case.

4. This Affidavit is submitted in connection with the introduction of evidence in opposition of Plaintiff's Motion to Compel.

5. This matter arises out of Plaintiff Deborah Rasby's ("Rasby") Motion to Compel, which asks this Court to compel Defendant to provide additional answers to Plaintiff's Interrogatory Nos. 14 and 22 and leave to serve a subpoena on an accounting firm. Defendant objected to both the issuance of the subpoena and the interrogatories on the grounds that the discovery requests were both overbroad and not proportional to the needs of this case.

6. Specifically, Defendant timely objected to issuance of the subpoena to the extent it sought the production of documents related to James D. Pillen personally and entities in which Plaintiff never held an ownership interest in. Defendant objected on the grounds that the subpoena sought confidential and proprietary information not relevant to the case and not proportional to the needs of this case. A true and correct copy of Defendant's Objection is attached hereto as Attachment A.

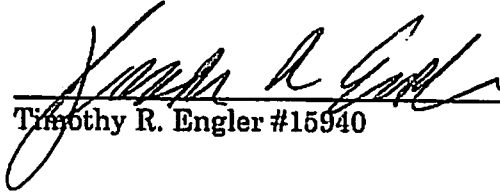
7. In response to Defendant's objections, counsel for Plaintiff and counsel for Defendant exchanged a series of communications in an attempt to resolve Defendant's objections to the subpoena. Plaintiff and Defendant agreed that, as an alternative to a broad records request, Plaintiff would issue narrowly tailored interrogatories on Defendant and request specific information she believed relevant to her claims and defenses.

8. On July 11, 2016, Defendant responded in good faith to Plaintiff's interrogatories.

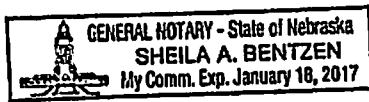
9. Filed herewith is an Index of Evidence in Opposition to Plaintiff's Motion to Compel containing true and correct copies of the following documents:


Exhibit No.	Description
1	Affidavit of Timothy R. Engler
2	Affidavit of James D. Pillen
3.	Plaintiff's Initial Disclosures

DATED: September 19, 2016


Timothy R. Engler #15940

SUBSCRIBED AND SWORN to before me, a Notary Public, on this 19th day of
September, 2016, by Timothy R. Engler




Notary Public

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